

1 MORGAN, LEWIS & BOCKIUS LLP

Michael J. Lyons (State Bar No. 202284)

2 Andrew J. Wu (State Bar No. 214442)

Ryan L. Scher (State Bar No. 244706)

3 2 Palo Alto Square

3000 El Camino Real, Suite 700

4 Palo Alto, CA 94306-2122

Tel: 650.843.4000

5 Fax: 650.843.4001

mlyons@morganlewis.com

6 awu@morganlewis.com

rscher@morganlewis.com

7 MORGAN, LEWIS & BOCKIUS LLP

8 Daniel Johnson, Jr. (State Bar No. 57409)

Amy M. Spicer (State Bar No. 188399)

9 One Market, Spear Street Tower

San Francisco, CA 94105-1126

10 Tel: 415.442.1000

Fax: 415.442.1001

11 djjohnson@morganlewis.com

aspicer@morganlewis.com

12 Attorneys for Defendant and Counterclaimant

13 PHILIPS LUMILEDS LIGHTING COMPANY, LLC

14
15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 OAKLAND DIVISION

18
19 EPISTAR CORPORATION,

20 Plaintiff,

21 v.

22 PHILIPS LUMILEDS LIGHTING
23 COMPANY, LLC,

24 Defendant.

25 AND RELATED COUNTERCLAIMS.
26
27
28

Case No. C 07-5194 CW

(Related to Case No. C 05-4521 CW)

**DECLARATION OF JIM THOMPSON IN
SUPPORT OF PHILIPS LUMILEDS'
MOTION FOR JUDGMENT ON THE
PLEADINGS**

1 I, Jim Thompson, declare:

2 1. I am the Product Marketing Manager, Die Sales for Philips Lumileds Lighting
3 Company, LLC ("Philips Lumileds") in San Jose, California. I have been employed by Philips
4 Lumileds and/or its predecessors since 1976. I have personal knowledge of the matters stated in
5 this declaration and if called as a witness, I could and would testify competently thereto.

6 2. As part of my job responsibilities at Philips Lumileds, I am heavily involved in
7 Philips Lumileds' marketing of AlGaInP LEDs. In that role, I caused letters from Philips
8 Lumileds to be conveyed to certain sellers, purchasers, manufacturers, and distributors of high-
9 brightness AlInGaP light-emitting diodes ("LEDs") and certain products incorporating those
10 LEDs advising the recipients of Lumileds' intellectual property rights, the results of the
11 investigation conducted by the International Trade Commission ("ITC") in *In the Matter of*
12 *Certain High-Brightness Light Emitting Diodes and Products Containing Same*, Inv. No. 337
13 TA-556, and of the Exclusion Order issued by the ITC.

14 3. I was the point person for conveying these letters, and I signed the letters.

15 4. Attached hereto as Exhibits A through F are true and correct copies of
16 representative samples of the letters discussed above. There are no differences between the letters
17 with respect to their description of the ITC's Exclusion Order, and in fact, all of the letters
18 included the Exclusion Order as an attachment.

19 I declare under the penalty of perjury under the laws of the United States of America that
20 the foregoing is true and correct. Executed this 5th day of June 2008 in San Jose, California.

21
22
23 
24 Jim Thompson